

ELECTRICAL ADVISORY COMMITTEE MEETING
April 20, 2004 MINUTES

Office of Housing, Buildings & Construction
Electrical Section
101 Sea Hero Road, Suite 100
Frankfort KY 40601-5405

MEMBERS IN ATTENDANCE

Archer, James	Leake, Michael	Malone, Mary
Osborne, Gary	Pace, Chris	Shelton, Don
Shouse, Jerry M.	Strange, Jim	

MEMBERS IN ABSENT

Holthouser, Norman G.	Howard, Jan	Moore, Jonathan
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OFFICE OF HOUSING STAFF IN ATTENDANCE

Bennett, Mike; Office of Housing, Staff Attorney
Dempsey, Frank; Office of Housing, General Counsel
Mitchell, Al; State Fire Marshal
McMichael, Shawna; Administrative Secretary, Hazardous Materials Section
Perkins, Billy; Chief Electrical Inspector

VISITORS IN ATTENDANCE

Unidentified Visitor; Nor-com / Northern Kentucky Electrical Association (*NKEA*)
Arnold, Denise; Peterson Electric
Bell, Paul; International Brotherhood of Electrical Workers (*IBEW*) Local Union 369
Bess, Kenny W.; Peterson Electric
Bogiss, Fran; Falls City Electric
Bohannon, Jack; Kentucky Burglar & Fire Alarm Association (*KBFFA*)
Enzweiler, Mike; Home Builders Association of Northern Kentucky (*HBA*)
Hammer, Ralph; Metro Louisville Electrical Inspector (2263-C)
Kingren, Brenson "Ben"; Electrical Inspector Applicant
Neill, Kathryn G.; Complete Security Systems
Smith, Tom; Northern Kentucky Electrical Association (*NKEA*)
Snook, Jeff; Falo Electric
Sweigart, Jim; Northern Kentucky Electrical Association (*NKEA*)
Vernon, Doug; Kentucky Burglar & Fire Alarm Association (*KBFFA*)
Willinghurst, Steve; *LEJATC*
Yates, Denise; Yates Electric / Independent Electrical Contractors Association (*IECA*)
Yates, Mark; Yates Electric / Independent Electrical Contractors Association (*IECA*)

Meeting Called to Order

Don Shelton made a motion to call the meeting to order at 9:07 a.m. Jim Strange seconded the motion. All in favor. Motion carried.

Approval of the Committee Minutes

Chairman Archer inquired if there was a motion to approve the minutes from the April 6, 2004 meeting. Mary Malone made a motion to change the motion that read “Mr. Osborne made a motion to approve Jim Rich as a continuing education provider.” to read “Mr. Osborne made a motion to approve Jim Rich as a Master Electrician and Electrician continuing education provider.”

Billy Perkins encouraged the Committee Members to thoroughly review the April 6, 2004 minutes due to the minutes being recorded by notes and not by the tape. Mr. Shelton stated that there needs clarification if Ted Stiles or Stiles, Carter & Associates, PSC is the approved provider. Legal Counsel Frank Dempsey stated that Stiles, Carter & Associates, PSC is the approved provider not Ted Stiles. Kenny Bess inquired if a corporation can become an approved provider. General Counsel Dempsey answered yes. Chris Pace stated that a corporation can become an approved provider just like *ECHL*.

Chairman Archer inquired if there was any further changes. Mr. Shelton inquired if clarification is needed for Michael Villines continuing education review. Shawna McMichael stated that Mr. Villines’ information is in the Committees information packets and is scheduled for a second review today.

Chairman Archer inquired if there was a motion to accept the minutes. Mr. Shelton made a motion to approve the minutes with the amendments. Ms. Malone seconded the motion. All in favor. Motion carried.

New Business – Legal Counsel

General Counsel Dempsey stated that Staff Attorney Mike Bennett inquired if House Bill 461 (Electrical Licensing Clean-Up Bill) was passed. General Counsel Dempsey stated that the “clean-up bill” was passed, which should clear up problems with the emergency regulation. The emergency regulation was heard before the Sub-Committee. The grandfather regulation is finally approved and effective 30 days after the Sub-Committee met. The “clean-up bill” also opens the pipeline to continuing education regulations, code of ethics, and low voltage. General Counsel Dempsey stated that the Office will need a regulation for procedures on permanent or post licensing.

General Counsel Dempsey stated that the “clean-up bill” is less controversial and will lay out the test, fee and requirements and will also “figure out renewals for us, which is a good thing.”

General Counsel Dempsey stated that a new State Fire Marshal, Al Mitchell has been appointed and started work for the Office yesterday. Mr. Mitchell has fire service experience in Lexington, and served as a Lexington City Councilman. General Counsel Dempsey stated that “electrical licensing is technically in the Fire Marshal’s Office, you should be aware of Mr. Mitchell’s appointment.”

Staff Attorney Bennett stated that the electrical licensing staff is working on a backlog of mail. There has been 10,259 electrical licenses printed and mailed to date. There have been less phone calls since the Office is getting closer to the end of grandfathering. Staff Attorney Bennett stated that he had received a phone call from an individual who has an Electrical Contracting company owned by two people. The contractor licenses have the company name and contact person on the card. Staff Attorney Bennett stated that the individual requested that he also receive a Contractor license with the company name and his name on a card. Staff Attorney Bennett stated that he did not see a problem. However, Staff Attorney Bennett requested General Counsel Dempsey's opinion, which stated that the Board should make the final decision.

Mr. Pace stated that he believes that "continuing education would also play a part into that." Mr. Pace inquired if the Office granted the individual request, which would be responsible for the continuing education. Staff Attorney Bennett stated that only one person would be responsible for the continuing education. Jim Strange suggested that the Office keep the same procedures as before. Ms. Malone stated that is the same way as business licenses. Mike Leake inquired if the Office knew why the request was being made. Staff Attorney Bennett stated that he believed it was identification purposes. Staff Attorney Bennett stated that he informed the individual he would contact them upon the Committee's decision. Staff Attorney Bennett stated that pulling permits may be less confusing. Mr. Leake stated that the continuing education may get confusing though. Ms. Malone stated that this one time request is okay but you must think ahead. Staff Attorney Bennett stated that the Office will do whatever the Committee wants or decides. Mr. Pace stated that "you can't have two active Contractors under the same name." General Counsel Dempsey stated that he does not believe that the regulation says that. General Counsel Dempsey stated that if you have two Master Electricians, two Contractors and two separate insurance policies that is okay. Mr. Pace answered no.

Mr. Bess stated that only one owner can hold a contractor license. Mr. Bess stated that there is a rumor going around Louisville stating that only one contractor can hold a license. Mr. Pace stated that the company holds the Contractor license and if they want all contractor licenses to be active they must have separate insurance policies. Mark Yates of Yates Electric stated that he disagreed. Mr. Yates stated that he has two Contractors and the same insurance policy. Mr. Bess stated that if he was the owner and on the same insurance policy as the other Contractor and the other partner died, I would have to obtain a new insurance policy. Mr. Bess stated that every contractor has to do continuing education in order to renew their contractor license. Mr. Pace answered no, just the designee. Mr. Bess inquired if Mr. Yates understood Mr. Pace's statement. Mr. Yates answered yes, but we have an error to correct. Mr. Pace stated that was not unusual or unique. General Counsel Dempsey stated if an individual is doing contracting you have to show proof of financial responsibility. General Counsel Dempsey stated that he was aware of the rumors regarding this issue.

Mr. Yates stated that "our owners are on the corporation and insurance policy. We have that problem." Mr. Pace inquired why a company or corporation would have an extra contractors license. Mr. Yates stated that all members of the corporation and partners should have continuing education. General Counsel Dempsey inquired "what about Haliburton, are you going to require all stock holders to get continuing education?"

Staff Attorney Bennett inquired if a motion will be needed. General Counsel Dempsey answered no, as long as the discussion is included in the minutes.

Low Voltage

The low voltage regulation can set up the test that will be acceptable. There are tests proctored by Experi that are available for low voltage. The application information, \$100.00 certification fee and renewal in accordance with the birth month are also set up. Continuing education requirements was not included in the House bill. Therefore, there will be no requirements for continuing education for low voltage certification holders. Low voltage will be a certification not a license.

Mr. Pace asked General Counsel Dempsey to give a brief history of the situation. General Counsel Dempsey stated Jonathan Moore had came up with the definition of low voltage certification. There was a substantial amount of people who does low voltage wiring and wanted them to continue to do the work that they are doing. Mr. Pace stated that “this also opened a gray area.” General Counsel Dempsey stated that “this is why that was included.” Mr. Bess inquired if there was a grandfather clause for low voltage. General Counsel Dempsey answered no, a test must be passed. Chairman Archer inquired if the testing requirement was included in the regulation. General Counsel Dempsey answered yes. Mr. Pace stated that an applicant must pass a test to receive the low voltage certification if the applicant does not have a plumbing, HVAC, boiler or electrical license. Mr. Leake inquired if the company needs to be certified or an applicant. General Counsel Dempsey answered “not sure”. Mr. Leake stated that if someone hires an individual to do low voltage wiring would they be required to have certification. Ms. Malone stated that it needs to be clarified whether a certified individual needs to be on the job site at all times or not.

Unidentified Visitor of Norcom stated that he is CTD certified to install security cameras, home theaters, intercoms, etc. *Unidentified Visitor* inquired if he would also be required to obtain a low voltage certification. Mr. Perkins inquired whom he is certified through. *Unidentified Visitor* stated that he is licensed through his industry. General Counsel Dempsey stated that his “certification is a lot higher level than our exam and I don’t see a problem with someone who holds certification. We will look at the standards for his industry and if qualifications for his (industry) certification is higher a certification can be issued.”

Al Mitchell asked the *Unidentified Visitor* if each person on the job site is certified. *Unidentified Visitor* answered yes. *Unidentified Visitor* stated that “it is much different level to connect speakers, nurse calls, etc. We are required by UL 1069.” *Unidentified Visitor* stated that “anyone who connects to their equipment must be certified and trained on their equipment. Does anyone certification have authority to stop at wall or to make connections.” General Counsel Dempsey stated that “we can’t interfere with manufacturers warranty.”

Doug Vernon of Kentucky Burglar & Fire Alarm Association (*KBFFA*) stated that the Committee has already discussed this issue before and appreciate all of the Committees dedication to this issue. *Unidentified Visitor* stated that “the fact is people are involved with mounting devices and don’t have a clue of what they are doing, which causes false alarms and fire hazards. This is a nice place to start but for National Association we are still behind the

curve. I have a copy of the certification standards for your review. Association requires background checks to get federal moneys. Background checks are not something we want but have to do. Fire is life safety issue. The legislation introduced required universities and colleges to inform students of the fire alarms and sprinkler system on the campus.”

Mr. Perkins stated that after receiving an e-mail from Ms. Malone, his office contacted Experior to obtain information on the low voltage exams. Mr. Vernon stated that West Virginia recognizes the *NTS* certification/license. Mr. Perkins stated that he talked with a gentleman from the West Virginia State Fire Marshal’s Office and requested all of their information regarding low voltage to be mailed to his office. Mr. Vernon stated that he had copies of West Virginia’s requirements if the Committee would like to review.

Mr. Vernon stated that he hopes that the regulation also requires insurance coverage, which helps protect the consumers. General Counsel Dempsey stated that insurance requirements were not included in the regulation. General Counsel Dempsey stated that he appreciates the need for background checks; however, this is a broader certification than just burglar alarms or security systems installers. General Counsel Dempsey stated that the Office does not require background checks on any of the other licenses/certifications that are issued within the Office.

Mr. Vernon stated that there is a piece of federal legislation on house floor that would require background checks. Mr. Vernon stated that the Senate has already approved this piece of legislation. Ralph Hammer inquired if people holding the certification are required to pull permits as well. General Counsel Dempsey stated that the low voltage certification has no bearing on permits; however, a permit would be required if an ordinance is required. Mr. Hammer stated that the *NEC* requires low voltage to be inspected and therefore, a permit would be required. Mr. Bees stated that you must have Contractors license to pull permit and Master Electrician to do the work. General Counsel Dempsey replied no, this is an exemption. Mr. Vernon stated that the Office needs to be aware that his industry would support a permit requirement 100%.

General Counsel Dempsey stated that the Committee needs to focus on Experior’s low voltage exam. Mr. Vernon stated that “this is not a test that our industry is familiar with. This is not a test recognized nationally.” Mr. Perkins stated that he obtained Experior’s testing information because they currently do the Electrical Inspector and 3 electrical licensing exams as well as other industry exams that are licensed by our Office. Mr. Perkins stated the Committee has a feasible amount of time to get exam approved. Mr. Pace inquired if the Committee could approve Experior and later add or amend the testing providers for low voltage. General Counsel Dempsey answered yes. Mr. Pace stated that this would allow the Office a method to get the certification in place by July 15, 2004 due to there being no grace period. *Unidentified Visitor* inquired if the license with *CTS* applies. General Counsel Dempsey answered no, because we don’t have their standards. *Unidentified Visitor* stated that he would submit the standards for *CTS*.

Unidentified Visitor 2 stated that he believes that “installers should know safety. We need to get away from the manufacturers standards.” Mr. Vernon stated that “*VICSX* is a certification with this certification (low voltage certification) this is drastically different than fire alarm, wireless

systems, theatrical sound, etc.” Mr. Yates stated that he agreed and stated that “we” need a start. Mr. Yates stated that if Mr. Vernon wants addition certification standards that is okay but does not feel it’s the Office’s responsibility. Mr. Vernon stated that continuing education hours are required to maintain the CTS certification. General Counsel Dempsey asked Mr. Vernon to keep in mind the certification is a proof that the holder holds the knowledge of safety, which is the same as plumbing, HVAC, fire suppression, boiler, etc. General Counsel Dempsey stated that the certification holders know a minimal knowledge to run electricity.

Mr. Strange inquired if the low voltage exam the Committee needs to approve is the “low voltage” exam not the “burglar and fire alarm electrical” or “sound, signaling and communication systems electrical” exams. General Counsel Dempsey answered yes. Mr. Strange stated that the low voltage exam covers a lot of areas. Ms. Malone stated that the other exams cover certain areas and the low voltage exam covers several areas.

General Counsel Dempsey inquired if the \$100.00 certification fee is okay with the Committee Members. Mr. Vernon stated that he believes that “from the industry standards either the company or technician can afford the certification fee. We would like to see it affect each person out there. You have to maintain Master Electrician on job site. If we only see 1 person certified on job site it defeats the purpose of the certification.” General Counsel Dempsey stated “that’s universal understanding that licensed person must be on job site at all times. Don’t see why this certification is any different.” Mr. Vernon stated that “ADT sends 1 technician to 1 job site each day. If you don’t require everyone to be certified there will be no one certified to do this work. Some big companies take 2-3 weeks training and believe that the technicians can do the work on their own.” General Counsel Dempsey stated “that’s how we treat electric and plumbing. Some unlicensed people can be on a job site but licensed individuals must be on the job site.” Ms. Malone stated that if an electrical inspector sees a problem they could notify the Office of the problem. Mr. Vernon stated that “drywall does not affect security systems.”

Mr. Strange stated that the low voltage certification affects everyone who does not hold an electrical license. General Counsel Dempsey stated that Mr. Strange was correct. Mr. Perkins stated that if an individual has an electrical license the low voltage certification would not be required. Mr. Vernon inquired if the low voltage certification would also include closed circuit TV. General Counsel Dempsey stated “that is a good question.” *Unidentified Visitor* of Norcom inquired “what about telephone guys.” General Counsel Dempsey stated that telecommunications are exempt. General Counsel Dempsey stated that everyone who installs satellite systems must have electrical license or low voltage certification. However, an inspection is not required but it will be tough to enforce.

Mr. Strange inquired what is the difference between the two low voltage exams in the packet. Ms. McMichael stated that there is a 70% and 75% passing rate on each exam in the packets. Mr. Strange inquired what the passing rate of electrical licensing was. Ms. McMichael stated that the passing rate for electrical licensing was 70% and electrical inspectors was 75%. Mr. Pace stated that a general exam would be needed. Mr. Strange stated that the low voltage exam is a better-rounded exam.

Mr. Pace made a motion to approve the Experi low voltage exam with a 70% passing rate. Mr. Shelton seconded the motion. All in favor. Motion carried.

Mr. Strange made a motion to approve the "Proposed Low Voltage Certification Regulation" with the amendment to add Experi's low voltage exam with a passing rate of 70%. General Counsel Dempsey stated that he would include the passing rate in the amended low voltage certification regulation. Mr. Leake inquired if continuing education could be added. General Counsel Dempsey stated that Legislature Research Commission (*LRC*) would not allow continuing education to be included in the regulation. Mr. Pace stated that "this is a catch all certification." Mr. Vernon inquired if it is the opinion of the Committee to get more strength on the certification. Mr. Pace stated that "it up to you to get amendments to the bill." General Counsel Dempsey stated that "we need to get this done within the bounds of the regulation." Chairman Archer inquired if the "Office gets complaints on certification holders can the Office act on that. The regulation does not include that." General Counsel Dempsey stated that he will have to amend the regulation to add "certification could be suspended or revoked same as electrical license." Chairman Archer inquired if this would fall under electrical licensing and require continuing education. General Counsel Dempsey answered no; this is not an electrical license. Mr. Vernon stated that "this is restricted to Class 1 & 2.

Mr. Shouse seconded the motion to add the amendments. Mr. Strange inquired if the Committee needs to review the regulations with the amendments. General Counsel Dempsey stated that would be okay because they still have ample time to get the low voltage certification in place. Mr. Strange retracted his motion until the Committee has reviewed the regulation with amendments at the next meeting. Mr. Pace stated that he believed the regulation went into affect sooner. Mr. Leake inquired if the Committee was going to require a certification for intercom wiring. General Counsel Dempsey answered yes. Mr. Leake stated that a lot of people would be certified. Mr. Leake inquired if the \$100.00 certification fee is too much because there is no requirements for continuing education. General Counsel Dempsey stated that "since we are passing this regulation to the next meeting, we will get financial information on administration costs."

Mr. Vernon stated that the low voltage certification would affect roughly 400-500 companies doing surveillance work, and 1,000's of datacom companies. The low voltage certification would also affect garage door opener installers and landscape lighting. Mr. Leake stated that he does not believe a \$100.00 certification fee would turn people away from getting the low voltage certification.

Mr. Vernon stated that an example is Warren Technology in Louisville have qualified people and only has 10-12 employees. Warren Technology technicians don't have to get licensed if someone is certified on the job site. Jack Bohannon of Kentucky Burglar & Fire Alarm Association (*KBFFA*) stated that the \$100.00 certification fee is not going to affect many. General Counsel Dempsey stated that he would get the financial information for the next meeting.

Electrical Inspector Review – ECHL

Mr. Perkins stated that he need clarification on the type of continuing education that *ECHL* was approved for. Mr. Pace stated that *ECHL* was approved as a contractor continuing education provider at the February 17, 2004 meeting. However, *ECHL* was approved in October for a one-time course for master electrician and electrician continuing education.

Mr. Pace made a motion to amend the February 17, 2004 meeting minutes to read “Electrical Clearing House of Louisville (ECHL) is approved as a continuing education provider for electrical contractors not master electrician and electrician.” Mr. Strange seconded the motion. Mr. Bess stated that their upcoming course has already been sold out. Mr. Bess inquired if they have to submit the qualifications on the instructors for their Monday night meetings. Mr. Pace answered “I don’t think you need to do that. You’re already approved as a provider.” General Counsel Dempsey stated that the Office would like a list of courses at least 60 days prior to the course so that the course can be posted on the website. Mr. Perkins stated that the Monday night meetings could not be sales pitches. Mr. Perkins stated that “in times past we would go into trade shows and get a sales pitch and not continuing education.” Mr. Bess stated that “Eddie Coy and myself passed a requirement in Louisville that sales pitches are not acceptable. The county passed our regulation on continuing education. This is the first in Kentucky. We are monitoring our classes. We have 6 questions in the *ECHL* newsletter that are reviewed and discussed at our meetings.” Mr. Perkins stated that he was aware of the *ECHL* newsletter.

Mr. Shelton made a motion at 10:30 am to take a 10-minute break. Mr. Strange seconded the motion. All in favor. Meeting adjourned for break.

Mr. Leake made a motion to reconvene the meeting at 10:45 am. Mr. Shelton seconded the motion. All in favor. Meeting was reconvened.

Electrical Inspector Review – Brensen Kingren

Chairman Archer inquired if Brensen Kingren would be working for Metro Louisville. Mr. Hammer stated that Mr. Kingren has been training with his office. Mr. Perkins stated that this application was submitted shortly before the Committee meeting and he has not reviewed the application himself. Mr. Perkins stated that the Office requires all information to be reviewed by the Committee to be submitted the Friday before the meeting to ensure the information can be properly reviewed and copied for the Committee’s review.

Mr. Pace made a motion to approve Brensen Kingren’s Electrical Inspector application for 2B Electrical General certification. Ms. Malone seconded the motion. All in favor. Motion carried.

Electrical Inspector Review – Theodore L Webb

Chairman Archer inquired if Theodore Webb was in attendance of the meeting. Mr. Perkins answered no. Mr. Perkins stated that Mr. Webb has requested that his electrical inspector certification to be placed in inactive status. Ms. Malone stated that Mr. Webb took the 2A and 2B Electrical Inspector exam. Ms. McMichael stated that Mr. Webb is applying to be employed by the city of Bowling Green, which requires the 2A, 2B and Electrical Plan Review tests to be passed. Ms. McMichael stated that Mr. Webb would be replacing Electrical Inspector, Eric Woosley who will be hired as a State Electrical Inspector starting May 3, 2004.

Mr. Shelton made a motion to approve Theodore Webb's Electrical Inspector application for 2B Electrical General certification. Mr. Strange seconded the motion. All in favor. Motion carried.

Mr. Pace stated that he would have to activate his certification upon proof of bond or insurance coverage before he makes any electrical inspections. Mr. Shelton inquired if the Office was under a new Cabinet. Mr. Perkins answered yes, and new office.

Continuing Education Review - Michael Villines (2244-C)

Mr. Perkins stated that "Gary Osborne has put the hammer to this two times before." Ms. Malone stated that the re-submittal is clearer than before. Ms. Malone stated that Mr. Villines' first request was re-submitted with no changes. Mr. Pace stated that Ms. Malone was correct. Mr. Pace inquired if Mr. Villines was applying for approval of Kenergy. Ms. McMichael stated that Mr. Villines was requesting approval.

Mr. Shelton made a motion to approve Michael Villines as a Master Electrician and Electrician continuing education provider. Mr. Strange seconded the motion. All in favor. Motion carried.

Mike Enzweiler of Home Builders Association of Northern Kentucky (*HBA*) inquired when the Committee would be reviewing pre-licensing or apprenticeship regulations. General Counsel Dempsey stated that the Committee and Office are still working on this issue and would have something ready for the next meeting. Mr. Enzeiler stated that he would call before the meeting to ensure the topic is on the agenda before driving to the meeting.

The next scheduled Committee meeting is Tuesday, May 4, 2004 at 9:00 am. Mr. Shelton made a motion to adjourn the meeting. Mr. Strange seconded the motion. Meeting was adjourned at 11:57 am.